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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,235	12/08/2003	Kazuto Yoneyama	16869P-097700US	4953
20350 7590 09/18/2008 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER GORTAYO, DANGELINO N	
			ART UNIT 2168	PAPER NUMBER
			MAIL DATE 09/18/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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George B. F. Yee  
TOWNSEND and TOWNSEND and  
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San Francisco, California 94111-3834

In re Application of:  
Kazuto YONEYAMA  
Application No. 10/731,235  
Filed: December 8, 2003  
For: RECORDING MEDIUM AND PLAYBACK  
DEVICE

DECISION GRANTING  
PETITION TO RESET  
PERIOD FOR REPLY

This is a decision on the petition, filed on 21 July 2008, requesting that the shortened statutory period for reply set forth in the Office communication mailed on 28 March 2008 be restarted.

In the absence of any apparent irregularity associated with the mailing of an Office communication, the Office presumes that the communication was properly mailed to the address of record. This presumption may be overcome by showing that the Office communication was not received.

The relevant portion of MPEP § 711.03(c) states:

The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

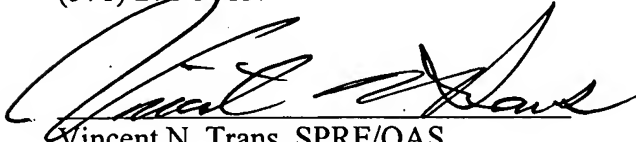
In support of the petition, the petitioner stated that the Office Action mailed 28 March 2008 was never received by applicants and stated applicant's representative only discovered the Office Action during a recent review of the PAIR system on 21 July 2008. The petitioner supplied a copy of docket record (Patent Record Sheet) showing that the Office Action was never received by applicant's representative. The docket record shows no entry reflecting receipt of the Office Action on or about 28 March 2008.

Since the petitioner failed to provide a statement attesting to the fact that a search of the file jacket and docket record indicated that the Office Action was not received, he has not met the criteria of set out in MPEP § 711.03(c) for establishing failure to receive the Office Action mailed 28 March 2008. To expedite the prosecution of this application, the undersigned is

hereby assuming that the petitioner did search the file jacket and docket record and the petitioner found no record of receiving the Office Action.

For the above-stated reasons, the petition is **GRANTED**. Accordingly, the shortened statutory period that was originally set forth in the Office Action mailed on 28 March 2008 is hereby reset to run FROM THE DATE OF 21 July 2008.

Any inquiry concerning this decision should be directed to the undersigned whose telephone is (571) 272-3613.

A handwritten signature in black ink, appearing to read "Vincent N. Trans", is written over a horizontal line.

Vincent N. Trans, SPRE/QAS  
Technology Center 2100  
Computer Architecture, Software, and  
Information Security